

REMARKS / DISCUSSION OF ISSUES

Claims 1-2, 4-6, and 8-22 are pending in the application. Claims 3 and 7 are canceled, and claims 9-22 are newly added herein; no new matter is added.

The applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

The Office action objects to the drawings, asserting that reference numerals 104 and 140 both refer to a request for a program from a position P. This is incorrect. Reference numeral 104 is used in FIG. 4 to illustrate the request for the program flowing from the station to the server; reference numeral 140 is used in FIG. 3 to illustrate the step of transmitting this request 104. The process step 140 and the item 104 that is sent are two different entities and require two different reference numerals.

The Office action objects to the specification for not including the reference numeral after each instance of the element in the text. The applicant respectfully notes that there is no requirement to include a reference numeral more than once in the specification.

The Office action objects to the inclusion of an inappropriate "a" in paragraph [0055] of the published application. The applicant respectfully notes that this "a" is not present in the specification as filed (see page 7, lines 3-5), and the applicant has no control over the manner in which the specification is published.

The Office action objects to the lack of preface to the claims; the claims listing is correspondingly amended herein. The applicant notes, however, that the phrase "The invention claimed is:" is automatically added to the published patent by the Office of Patent Publications (see MPEP 608.01(m)).

The Office action rejects claims 1, 5, 6, and 8 under 35 U.S.C. 103(a) over Fujita et al. (USP 5,793,971, hereinafter Fujita) and O'Callaghan et al. (USP 5,477,263, hereinafter O'Callaghan). The applicant respectfully traverses this rejection.

The combination of Fujita and O'Callaghan fails to teach or suggest controlling and managing means that control a broadcasting source for broadcasting the video signal as from a given position only in the case of receiving a request for the video signals as from the given position, as specifically claimed in claim 1, upon which claims 2 and 4-6 depend. Claim 8 includes similar limitations.

The Office action acknowledges that Fujita fails to disclose that the controlling and managing means are adapted to control a broadcast source only in the case of receiving a request for a video signal from that source, and relies on O'Callaghan for this teaching.

The Office action asserts that O'Callaghan provides this teaching at column 5, lines 4-20 and column 4, lines 35-51. The applicant respectfully disagrees with this assertion. The applicant respectfully notes that the cited text is silent with regard to controlling the source only if a request is received. Contrary to this asserted teaching, O'Callaghan specifically teaches providing a string of delay elements arranged in series, each delay element being the source of the video stream at a different time shift (see O'Callaghan's FIG. 3). For O'Callaghan's system to operate properly, all of the delay elements must be in operation, independent of whether a request for a video signal from that delay element is received. If any of O'Callaghan's delay elements are not enabled, none of the subsequent delay elements in the string will be able to provide the video stream.

Because the combination of Fujita and O'Callaghan fails to teach or suggest controlling a broadcast source only in the case of receiving a request for a video signal from that source, as specifically claimed in claim 3, and because O'Callaghan's teachings are contrary to this claimed selective control of the broadcast source, and because the selective control of each source would render the proposed combination of Fujita and O'Callaghan unsuitable for its intended purpose, the applicant respectfully maintains that the rejection of claims 3 and 5-8 under 35 U.S.C. 103(a) over Fujita and O'Callaghan is unfounded, and should be withdrawn.

The Office action rejects:

claim 2 under 35 U.S.C. 103(a) over Fujita¹ and Chung et al. (USP 7,200,669, hereinafter Chung); and

claim 4 under 35 U.S.C. 103(a) over Fujita, O'Callaghan, and Dewkett et al. (USP 5,646,676, hereinafter Dewkett). The applicant respectfully traverses these rejections.

Claims 2 and 4 are dependent upon claim 1. As discussed above, the combination of Fujita and O'Callaghan fails to teach or suggest the elements of claim 1, and neither Chung nor Dewkett correct this deficiency. Accordingly, the applicant respectfully request the Examiner's reconsideration of the rejections of claims 2 and 4 under 35 U.S.C. 103(a) over Fujita and O'Callaghan in view of either Chung or Dewkett.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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¹ The applicant assumes that the Examiner meant to state that the claim is rejected over Fujita, O'Callaghan, and Chung.